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HOPE BALDAUFF HARTMAN, LLC 1720 PEACHTREE STREET, N.W. SUITE 1010 ATLANTA, GA 30309			VO, TED T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/723,712	KOTHANDAPANI ET AL.	
	Examiner	Art Unit	
	TED T. VO	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 March 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-65 and 67-86 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-17,31-42 and 50-65 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) 18-30, 43-49, 67-86 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 November 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 3/18/2008.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

1. This action is in response to the set of claims filed on 03/18/2008.

Claim 66 is canceled. Claims 18-30, 43-49, 67-86 are subject to restriction/election requirement. Claims 1-17, 31-42, and 50-65 present in this action.

Claims 1-65, 67-86 are pending in the application.

Information Disclosure Statement

2. The contents of information disclosure statement filed 03/18/2008 which are lined through fail to comply with the provisions of 37 CFR 1.98 because these contents cannot be listed in a printing patent. These contents which are the internal office actions such as a reply or a notice of allowance issued by a patent Examiner should not be listed in a printing patent.

According to 37 CFR 1.98 (a) (2) (ii) or (iv), the considered portions, i.e. with the Examiner's initials will be listed in a printed patent:

- (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;
- (iv) All other information or that portion which caused it to be listed.

Therefore, pursuant to 37 CFR 1.98, Applicants should submit the contents as U.S. patents, U.S. patent application publications, and/or pending unpublished U.S. applications.

As per request for considering the portions/contents that are the internal Examiner office actions, these portions/contents are considered by the Examiner, but they are lined through because of 37 CFR 1.98 (a) (2) (ii) or (iv).

Response to Arguments

3. Applicants' amendment necessities new ground rejections presenting in this action. The arguments are moot in view of the new ground of rejection.

Regarding the argument to the Examiner's request for restriction on claims 40-41:

Claims 40-41 are claiming graphical user interface in which the elements are icons graphically displayed on a display device comprising icons. The added icons are extending the limitation of Claims 31; they do not show any functionally related to management module. The appearance of Claims 40-41 has the claims into another class which cause the lack of unity of the claimed invention. Since icons are already recited in the claims in which it is restricted without traverse from Applicants. The request of Examiner for restriction is aimed for the unity of the claimed invention. Thus, Claims 40-41 are requested canceling for the unity of the claimed invention.

Regarding the argument to the rejection of Claims 31-42 and 50-56 under 35 USC 101:

Claims 31-41 recite a system for configuring a management module for use in a monitoring operation associated with a computer system. The "system" of the claims lacks connecting the elements that cause the system to be functioned as hardware. The terms "for use", "associated with a computer system" are merely the intended use of the system. The terms do not cause the system to be a hardware system.

Therefore, the descriptions for the claim as to detect and identify components, to compare, to incorporate the description files, to load the configuration files appear being the

descriptive functional material of software programs. A system that lacks hardware connections remains related to software per se.

In view of the amendment that amends claims 50-56 as a computer readable storage medium storing computer executable instruction, the instructions cause a computer to perform a method, the rejection under 35 USC 101 to the claims is withdrawn.

Regarding the amendment to Claims 1-17, 31-42, and 50-65, the amendment necessitates new ground rejections presenting in this action. The arguments are moot in view of new ground of rejections.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claim 40-41 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17-18 of U.S. Patent No. **7,237,086 B1**. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

As per Claims 40-41:

Claims 40 and 41 recite a system as further limitations of claim 31. The system of claim 40 is further operative to provide a graphical user interface displaying on a display device a graphical representation of the management module and each of the component detected and defined identified as being communicatively connected to the management module.

The graphical representation comprises a first icon representing the management module, a plurality of other icons representing the components detected and identified; and graphical representations of the logical connections between the detected and identified components and the management module.

Claims of 40 and 41 are dependent on claim 31, where claim 31 recites a system for configuring a management module for use in monitoring operations associated with a computer system, the system operative to:

detect and identify components that are communicatively accessible to the management by way of a communication medium of the computer system prior to the management module being configured to monitor the components communicatively connected to the management module and analyze, based on the monitored components, whether an event has occurred in the computer system,

compare the detected and identified components with a plurality of description files each describing a component which may be communicatively connected to the management module and analyze, based on the monitored components, whether an event has occurred in the computer system;

incorporate the description files corresponding to each of the detected and identified components into a configuration file; and

load the configuration file into the management module to provide the management module with an ability to receive operational information from the detected and identified components and analyze, based on the received operational information, whether an event has occurred in the computer system, where the operational information related to operations associated with the computer system.

The US patent No. 7,237,086 B1 recite claim 17 and 18:

17. A system for customizing a management module responsible for monitoring operation of one or more components in a specific configuration specified for a baseboard of a computer system, the system comprising: a plurality of description files each describing a component in a set of components which may be included in the configuration (Broadly covers the recitation of Claim 31, which is characterized to compare the detected and identified components with a plurality of description files each describing a component which may be communicatively connected to the management module and analyze, based on the monitored components, whether an event has occurred in the computer system);

a graphical user interface through which a user selects one or more components from the set of components for inclusion in a model being constructed based on the configuration; and means for incorporating each device description file corresponding to the one or more selected components into a configuration file operable for loading into the management module to provide the management module with an ability to receive information from the one or more selected components (Broadly covers the recitation of Claim 40, which is characterized to provide a graphical user interface displaying on a display device a graphical representation of the management module).

18. A system as defined in claim 17, wherein the graphical user interface comprises: a first portion comprising a plurality of graphical icons, wherein each of the plurality of graphical icons represent a component in the set of components which may be included in the configuration; and a second portion for creating the model using the plurality of graphical icons included in the first portion. (Broadly covers the recitation of Claim 41, which is as a first icon representing the management module, a plurality of other icons representing the components detected and identified; and graphical representations of the logical connections between the detected and identified components and the management module).

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. The claims 31-42 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

As per Claim 31-42: The claims recite a system that lacks hardware elements identifying the system as a hardware system. The system is thus merely the software. The terms “for use” and

“associated with a computer system” are merely the intended use of the system; the terms do not cause the system as a hardware system. Therefore, the descriptions for the claims as *to detect and identify components, to compare, to incorporate the description files, to load the configuration files* appear being the descriptive functional materials of software programs. A system that lacks hardware connections remains related to software per se.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-17, 31-39, 42, 50-66 are rejected under 35 U.S.C. 102(b) as being anticipated by RadiSys, “Platform Management”, as CP80 Platform Management Overview (hereinafter: RadiSys1), and Universal Developer's Guide (hereinafter: RadiSys2)", 2000.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1:

RadiSys discloses *A computer-implemented method for configuring a management module for use in monitoring operations associated with a computer system, the method comprising:*

- (a) prior to the management module being configured to monitor a plurality of components communicatively connected to the management module and analyze, based on the monitored plurality of components, whether an event has occurred in the computer system (RadiSys1: See p. 8, and Figure 2), detecting a first component of the plurality of components communicatively connected to the management module, wherein the first component senses and provides to the management module operational information relating to operations associated with the computer system (See RadiSys1: Figure 2, API calls, sensor reading());*
- (b) identifying a type of information that may be provided by the detected first component (e.g. alarm, fan (RadiSys1, in p. 11));*
- (c) creating a configuration file specifying the type of information identified for the detected first component (RadiSys1, i.e. “Management software” such as Alarm module, Display Module, Managed fan module, that are graphically displayed in Figure 1, p. 3); and*
- (d) incorporating the configuration file into the management module such that the management module is operable-configured to receive the identified type of information from the detected first component and analyze, based on the identified type of information from the detected first component, whether an event has occurred in the computer system (RadiSys1, Figure 2, and discussed in p. 7, Centralized Event Receiving).*

As per Claim 2: RadiSys discloses,

A method as defined in claim 1, wherein the management module is operable to communicate with the plurality of components of the computer system by way of a plurality of active slave addresses on a communication medium of the computer system, the plurality of active slave addresses being a subset of a plurality of possible slave addresses communicatively accessible to the management module by way of the communication medium, the detecting act

(a) comprising:

(a)(i) transmitting a discovery request on each of the plurality of possible slave addresses;

and

(a)(ii) responsive to the transmitting act, receiving an acknowledgement response from the first component indicating that the first component is communicatively accessible on a specific active slave address. (RadiSys2: See the communication diagram between System Management Software and the devices using communication of IPMB slave address, details are in the tables, for example, table 12, p. 21).

As per Claim 3: RadiSys discloses,

A method as defined in claim 2, wherein the receiving act (a)(ii) comprises: receiving a plurality of acknowledgement responses from a specific plurality of the plurality of components, each acknowledgement response representing detection of each of the specific plurality of components on one of the plurality of active slave addresses, wherein the first component is one of the specific plurality of components and the specific active slave address is one of the plurality of active slave addresses on which at least one of the specific plurality of

components is detected. (RadiSys2: see details in the tables)

As per Claim 4: RadiSys discloses,

A method as defined in claim 3, wherein the transmitting act (a)(i) comprises:

(a)(i)(I) issuing a discovery request on a possible slave address (RadiSys2: details are in the tables, for example IPMI message includes Responder Slave Address); *and*

(a)(i)(II) after a predetermined period in time has passed from which the discovery request was issued on the slave address, repeating the issuing act until each of the plurality of possible slave addresses have been pinged (RadiSys2: Refer to watchdog Timer (p. 13, and definition slave address on NetFn/LUN)).

As per Claim 5: RadiSys discloses,

A method as defined in claim 4, wherein the detecting act (a) further comprises:

(a)(iii) in response to receiving the acknowledgement responses from each of the specific plurality of components, adding the active slave addresses from which the acknowledgement responses are received to a log file, wherein the log file, when complete, comprises a listing of each of the plurality of active slave addresses. (RadiSys2: See p. 4, forward events are logged)

As per Claim 6: RadiSys discloses,

A method as defined in claim 5, wherein the identifying act (b) comprises:

(b)(i) traversing the listing in the log file to extract therefrom an active slave address; (b)(ii) issuing an identification request to the extracted active slave address;

(b)(iii) receiving information from one of the specific plurality of components communicatively accessible on the extracted active slave address; and

(b)(iv) analyzing the received information to identify a type of information provided by the

component communicatively accessible on the extracted active slave address (RadiSys2: All the commands such as in the table 2, provide event logging, and the event logs provide the user to analyze detecting events in the IPMI subsystem as of Figure 1).

As per Claim 7: RadiSys discloses,

A method as defined in claim 6, wherein the extracted active slave address is the specific active slave address and the one of the specific plurality of components is the first component (RadiSys2: provided by IPMI message issued as being associated with detected event sensor).

As per Claim 8: RadiSys discloses,

A method as defined in claim 6, wherein the identifying act (b) further comprises:

*(b)(v) repeating the traversing(b)(i),
issuing (b)(ii),
receiving (b)(iii) and analyzing*

(b)(iv) act for each of the plurality of active slave addresses included in the listing, wherein the configuration file is created by the creating act to specify the type of information identified for each of the specific plurality of components such that when the configuration file is incorporated into the management module, the management module is consequently operable to receive the identified types of information from each of the specific plurality of components.

Claim functionality is the same to Claim 6, i.e. the user is manually using the system of Figure 1 (RadiSys2) to repeat for each slave address of step (b) in Claim 6 (Note a manual acts would read on the guidance of the developer's Guide).

As per Claim 9: RadiSys discloses,

A method as defined in claim 1, further comprising:

(e) defining a plurality of description files, each description file corresponding to a component which may be included within a configuration for the computer system, wherein the plurality of description files each specify a component classification for the component corresponding to each description file and the type of information that may be provided by the component.

(RadiSys2: The standard software created by the Developer's guide using the configuration commands with respect to a device in the IPMO subsystem).

As per Claim 10: RadiSys discloses,

A method as defined in claim 9, wherein the identifying act (b) comprises:

(b)(i) issuing an identification request on the first slave address, wherein the identification request commands the first component to respond with identification information associated with the first component;

(b)(ii) receiving the identification information from the first component; and

(b)(iii) analyzing the identification information against the plurality of description files to determine which of the plurality of description files corresponds to the first component.

The functionality of the claims is the same to the claim 6. See rationale provided to Claim 6.

As per Claim 11: RadiSys discloses, *A method as defined in claim 10, wherein the creating act (c) comprises: incorporating the description file corresponding to the first component into the configuration file.* RadiSys2: See Figure 1 – Basically, the claim recites a programming writing manner that is common to programmers.

As per Claim 12: RadiSys discloses,

A method as defined in claim 11, wherein the identification request is a standard request operable for commanding all components which may be communicatively connected to the management module to respond with identification information (RadiSys2: See descriptions in the Tables).

As per Claim 13: RadiSys discloses,

A method as defined in claim 9, wherein each of the plurality of description files comprises an identification routine executable by the management module to create and transmit an identification request to components communicatively accessible on slave addresses, wherein the identification request commands the component corresponding to the description file to respond with a specific acknowledgement that the component is communicatively accessible on a particular slave address, the identifying act (b) comprising:

(b)(i) extracting one of the plurality of description files; and

(b)(ii) executing the identification routine specified in the extracted description file such that the identification request is transmitted on the first slave address.

(RadiSys2: See descriptions in the Tables, used the commands for interfacing to the System Management Software – When executes the System Management Software or at IPMI API level, the links of an IMPI command set (as in the Tables) do the steps of this claim; particularly, the command set that include slave addresses)

As per Claim 14: RadiSys discloses,

A method as defined in claim 13, wherein the identifying act (b) further comprises:

(b)(iii) if the specific acknowledgement is received from the first component on the first slave address, linking the first component to the extracted description file (RadiSys2: See Figure 1, considered to a device in the IPMI subsystem with respect to a sensor configuration defined to that device.

As per Claim 15: RadiSys discloses,

A method as defined in claim 14, wherein the identifying act (b) further comprises:

(b)(iv) if the specific acknowledgement is not received from the first component within a predetermined period in time, repeating the extracting and executing acts for another one of the plurality of description files until the identification information is received from the first component (RadiSys2: Refer to the developer using the Watchdog timer, with more timing).

As per Claim 16: RadiSys discloses,

A method as defined in claim 14, wherein the creating act (c) comprises: incorporating the description file linked to the first component into the configuration file (RadiSys2: See figure 1).

As per Claim 17: RadiSys discloses,

A method as defined in claim 9, wherein the component classification for the first component is sensor and the type of information that may be provided to the management module by the first component is selected from the group consisting of voltages, currents,

temperatures, velocity and acceleration (RadiSys2: See Figure 1., device type like cooling device in IPMI subsystem).

As per Claims 31-39, 42: See rationale addressed in the rejection of Claims 1-17.

As per Claims 50-65: See rationale addressed in the rejection of Claims 1-17.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over RadiSys, “Platform Management”, as in CP80 Platform Management Overview (hereinafter: RadiSys1), and in Universal Developer's Guide (hereinafter: RadiSys2)", 2000, , in view of Intel, “Intel ® Server System SSH4 Board Set”, Intel Order number C20142-001, 10-2003, pages: 1-180.

As per Claims 40-41: Further noted to the claims 40-41: The claims appears to be functionally not related to other elements used in configuring methods as recited in the scope of Claims 1-17. Examiner further requests for restriction so that an issue of a patent application is a single invention.

RadiSys appears associated the developments of the configuration command interface to the System Management Software in a standard computer. Where a standard computer includes standard graphic user interface such as a standard Windows operating system for allowing the user to interact with the inside computer “**software**” elements.

Intel discloses a GUI (p.30) including, “graphical representation” (Intel: p. 38, and 50) that represents a configuration for the baseboard management controller. The graphical representation includes icons (p. 38, or p. 56), each is to provide a graphical user interface displaying on a display device (e.g. Windows NT menu bar, p.30) a graphical representation of the management module and each of the component detected and defined identified as being commutatively connected to the management module (Intel: p.56). The graphical representation comprises a first icon representing the management module, a plurality of other icons representing the components detected and identified; and graphical representations of the logical connections between the detected and identified components and the management module (Intel: p. 30, p. 38, p.50).

It is obvious to the ordinary in the art at the time of the filing, to include a common graphical user interface as Windows NT shown in Intel, with the platform of RadiSys for viewing and editing a file. Otherwise, the developers cannot see anything inside of the baseboard management controller.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
June 19, 2008

/Ted T. Vo/
Primary Examiner, Art Unit 2191